

Union Calendar No. 302

108TH CONGRESS
2D SESSION

H. R. 4175

[Report No. 108-524]

To increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 20, 2004

Mr. SMITH of New Jersey (for himself, Mr. EVANS, Mr. BROWN of South Carolina, and Mr. MICHAUD) introduced the following bill; which was referred to the Committee on Veterans' Affairs

JUNE 3, 2004

Additional sponsors: Mr. FILNER, Mr. GUTIERREZ, Mr. HOLDEN, Mr. BRADY of Pennsylvania, Mr. GRIJALVA, Mr. RODRIGUEZ, Mr. BILIRAKIS, and Mr. RAHALL

JUNE 3, 2004

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

[For text of introduced bill, see copy of bill as introduced on April 20, 2004]

A BILL

To increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and in-

demnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as “Veterans’ Compensation
 5 ~~Cost-of-Living Adjustment Act of 2004”.~~

6 **SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSA-**
 7 **TION AND DEPENDENCY AND INDEMNITY**
 8 **COMPENSATION.**

9 (a) ~~RATE ADJUSTMENT.~~—The Secretary of Veterans
 10 Affairs shall, effective on December 1, 2004, increase the
 11 dollar amounts in effect for the payment of disability com-
 12 pensation and dependency and indemnity compensation by
 13 the Secretary, as specified in subsection (b).

14 (b) ~~AMOUNTS TO BE INCREASED.~~—The dollar
 15 amounts to be increased pursuant to subsection (a) are
 16 the following:

17 (1) ~~COMPENSATION.~~—Each of the dollar
 18 amounts in effect under section 1114 of title 38,
 19 United States Code.

20 (2) ~~ADDITIONAL COMPENSATION FOR DEPEND-~~
 21 ~~ENTS.~~—Each of the dollar amounts in effect under
 22 section 1115(1) of such title.

23 (3) ~~CLOTHING ALLOWANCE.~~—The dollar
 24 amount in effect under section 1162 of such title.

1 (4) NEW DIC RATES.—The dollar amounts in
 2 effect under paragraphs (1) and (2) of section
 3 1311(a) of such title.

4 (5) OLD DIC RATES.—Each of the dollar
 5 amounts in effect under section 1311(a)(3) of such
 6 title.

7 (6) ADDITIONAL DIC FOR SURVIVING SPOUSES
 8 WITH MINOR CHILDREN.—The dollar amount in ef-
 9 fect under section 1311(b) of such title.

10 (7) ADDITIONAL DIC FOR DISABILITY.—The
 11 dollar amounts in effect under sections 1311(e) and
 12 1311(d) of such title.

13 (8) DIC FOR DEPENDENT CHILDREN.—The
 14 dollar amounts in effect under sections 1313(a) and
 15 1314 of such title.

16 (c) DETERMINATION OF INCREASE.—(1) The in-
 17 crease under subsection (a) shall be made in the dollar
 18 amounts specified in subsection (b) as in effect on Novem-
 19 ber 30, 2004.

20 (2) Except as provided in paragraph (3), each such
 21 amount shall be increased by the same percentage as the
 22 percentage by which benefit amounts payable under title
 23 II of the Social Security Act (42 U.S.C. 401 et seq.) are
 24 increased effective December 1, 2004, as a result of a de-

1 termination under section 215(i) of such Act (42 U.S.C.
2 415(i)).

3 (3) Each dollar amount increased pursuant to para-
4 graph (2) shall, if not a whole dollar amount, be rounded
5 down to the next lower whole dollar amount.

6 (d) SPECIAL RULE.—The Secretary may adjust ad-
7 ministratively, consistent with the increases made under
8 subsection (a), the rates of disability compensation pay-
9 able to persons within the purview of section 10 of Public
10 Law 85–857 (72 Stat. 1263) who are not in receipt of
11 compensation payable pursuant to chapter 11 of title 38,
12 United States Code.

13 **SEC. 3. PUBLICATION OF ADJUSTED RATES.**

14 At the same time as the matters specified in section
15 215(i)(2)(D) of the Social Security Act (42 U.S.C.
16 415(i)(2)(D)) are required to be published by reason of
17 a determination made under section 215(i) of such Act
18 during fiscal year 2005, the Secretary of Veterans Affairs
19 shall publish in the Federal Register the amounts specified
20 in subsection (b) of section 2, as increased pursuant to
21 that section.

22 **SECTION 1. SHORT TITLE.**

23 *This Act may be cited as “Veterans’ Compensation*
24 *Cost-of-Living Adjustment Act of 2004”.*

1 **SEC. 2. INCREASE IN RATES OF DISABILITY COMPENSATION**
2 **AND DEPENDENCY AND INDEMNITY COM-**
3 **PENSATION.**

4 (a) *RATE ADJUSTMENT.*—*The Secretary of Veterans*
5 *Affairs shall, effective on December 1, 2004, increase the dol-*
6 *lar amounts in effect for the payment of disability com-*
7 *pensation and dependency and indemnity compensation by*
8 *the Secretary, as specified in subsection (b).*

9 (b) *AMOUNTS TO BE INCREASED.*—*The dollar*
10 *amounts to be increased pursuant to subsection (a) are the*
11 *following:*

12 (1) *COMPENSATION.*—*Each of the dollar amounts*
13 *in effect under section 1114 of title 38, United States*
14 *Code.*

15 (2) *ADDITIONAL COMPENSATION FOR DEPEND-*
16 *ENTS.*—*Each of the dollar amounts in effect under*
17 *section 1115(1) of such title.*

18 (3) *CLOTHING ALLOWANCE.*—*The dollar amount*
19 *in effect under section 1162 of such title.*

20 (4) *NEW DIC RATES.*—*The dollar amounts in ef-*
21 *fect under paragraphs (1) and (2) of section 1311(a)*
22 *of such title.*

23 (5) *OLD DIC RATES.*—*Each of the dollar*
24 *amounts in effect under section 1311(a)(3) of such*
25 *title.*

1 (6) *ADDITIONAL DIC FOR SURVIVING SPOUSES*
 2 *WITH MINOR CHILDREN.*—*The dollar amount in effect*
 3 *under section 1311(b) of such title.*

4 (7) *ADDITIONAL DIC FOR DISABILITY.*—*The dol-*
 5 *lar amounts in effect under sections 1311(c) and*
 6 *1311(d) of such title.*

7 (8) *DIC FOR DEPENDENT CHILDREN.*—*The dollar*
 8 *amounts in effect under sections 1313(a) and 1314 of*
 9 *such title.*

10 (c) *DETERMINATION OF INCREASE.*—(1) *The increase*
 11 *under subsection (a) shall be made in the dollar amounts*
 12 *specified in subsection (b) as in effect on November 30,*
 13 *2004.*

14 (2) *Except as provided in paragraph (3), each such*
 15 *amount shall be increased by the same percentage as the*
 16 *percentage by which benefit amounts payable under title II*
 17 *of the Social Security Act (42 U.S.C. 401 et seq.) are in-*
 18 *creased effective December 1, 2004, as a result of a deter-*
 19 *mination under section 215(i) of such Act (42 U.S.C.*
 20 *415(i)).*

21 (3) *Each dollar amount increased pursuant to para-*
 22 *graph (2) shall, if not a whole dollar amount, be rounded*
 23 *down to the next lower whole dollar amount.*

24 (d) *SPECIAL RULE.*—*The Secretary may adjust ad-*
 25 *ministratively, consistent with the increases made under*

1 subsection (a), the rates of disability compensation payable
 2 to persons within the purview of section 10 of Public Law
 3 85–857 (72 Stat. 1263) who are not in receipt of compensa-
 4 tion payable pursuant to chapter 11 of title 38, United
 5 States Code.

6 **SEC. 3. PUBLICATION OF ADJUSTED RATES.**

7 *At the same time as the matters specified in section*
 8 *215(i)(2)(D) of the Social Security Act (42 U.S.C.*
 9 *415(i)(2)(D)) are required to be published by reason of a*
 10 *determination made under section 215(i) of such Act during*
 11 *fiscal year 2005, the Secretary of Veterans Affairs shall pub-*
 12 *lish in the Federal Register the amounts specified in sub-*
 13 *section (b) of section 2, as increased pursuant to that sec-*
 14 *tion.*

15 **SEC. 4. IMPROVED BENEFITS FOR FORMER PRISONERS OF**
 16 **WAR.**

17 *Section 1112(b)(3) of title 38, United States Code, is*
 18 *amended by adding at the end the following new subpara-*
 19 *graph:*

20 “(L) Osteoporosis.”.

21 **SEC. 5. CODIFICATION OF COST-OF-LIVING ADJUSTMENT**
 22 **PROVIDED IN PUBLIC LAW 108–47.**

23 *(a) VETERANS’ DISABILITY COMPENSATION.—Section*
 24 *1114 of title 38, United States Code, is amended—*

1 (1) by striking “\$104” in subsection (a) and in-
2 serting “\$106”;

3 (2) by striking “\$201” in subsection (b) and in-
4 serting “\$205”;

5 (3) by striking “\$310” in subsection (c) and in-
6 serting “\$316”;

7 (4) by striking “\$445” in subsection (d) and in-
8 serting “\$454”;

9 (5) by striking “\$633” in subsection (e) and in-
10 serting “\$646”;

11 (6) by striking “\$801” in subsection (f) and in-
12 serting “\$817”;

13 (7) by striking “\$1,008” in subsection (g) and
14 inserting “\$1,029”;

15 (8) by striking “\$1,171” in subsection (h) and
16 inserting “\$1,195”;

17 (9) by striking “\$1,317” in subsection (i) and
18 inserting “\$1,344”;

19 (10) by striking “\$2,193” in subsection (j) and
20 inserting “\$2,239”;

21 (11) in subsection (k)—

22 (A) by striking “\$81” both places it appears
23 and inserting “\$82”; and

24 (B) by striking “\$2,728” and “\$3,827” and
25 inserting “\$2,785” and “\$3,907”, respectively;

1 (12) by striking “\$2,728” in subsection (l) and
2 inserting “\$2,785”;

3 (13) by striking “\$3,010” in subsection (m) and
4 inserting “\$3,073”;

5 (14) by striking “\$3,425” in subsection (n) and
6 inserting “\$3,496”;

7 (15) by striking “\$3,827” each place it appears
8 in subsections (o) and (p) and inserting “\$3,907”;

9 (16) by striking “\$1,643” and “\$2,446” in sub-
10 section (r) and inserting “\$1,677” and “\$2,497”, re-
11 spectively; and

12 (17) by striking “\$2,455” in subsection (s) and
13 inserting “\$2,506”.

14 (b) *ADDITIONAL COMPENSATION FOR DEPENDENTS.*—
15 Section 1115(1) of such title is amended—

16 (1) by striking “\$125” in subparagraph (A) and
17 inserting “\$127”;

18 (2) by striking “\$215” and “\$64” in subpara-
19 graph (B) and inserting “\$219” and “\$65”, respec-
20 tively;

21 (3) by striking “\$85” and “\$64” in subpara-
22 graph (C) and inserting “\$86” and “\$65”, respec-
23 tively;

24 (4) by striking “\$101” in subparagraph (D) and
25 inserting “\$103”;

1 (5) by striking “\$237” in subparagraph (E) and
2 inserting “\$241”; and

3 (6) by striking “\$198” in subparagraph (F) and
4 inserting “\$202”.

5 (c) *CLOTHING ALLOWANCE FOR CERTAIN DISABLED*
6 *VETERANS.*—Section 1162 of such title is amended by strik-
7 ing “\$588” and inserting “\$600”.

8 (d) *DEPENDENCY AND INDEMNITY COMPENSATION FOR*
9 *SURVIVING SPOUSES.*—(1) Section 1311(a) of such title is
10 amended—

11 (A) by striking “\$948” in paragraph (1) and in-
12 serting “\$967”; and

13 (B) by striking “\$204” in paragraph (2) and in-
14 serting “\$208”.

15 (2) The table in section 1311(a)(3) of such title is
16 amended to read as follows:

<i>“Pay grade</i>	<i>Monthly</i>	<i>Pay grade</i>	<i>Monthly</i>
	<i>rate</i>		<i>rate</i>
<i>E-1</i>	\$967	<i>W-4</i>	\$1,157
<i>E-2</i>	\$967	<i>O-1</i>	\$1,022
<i>E-3</i>	\$967	<i>O-2</i>	\$1,056
<i>E-4</i>	\$967	<i>O-3</i>	\$1,130
<i>E-5</i>	\$967	<i>O-4</i>	\$1,195
<i>E-6</i>	\$967	<i>O-5</i>	\$1,316
<i>E-7</i>	\$1,000	<i>O-6</i>	\$1,483
<i>E-8</i>	\$1,056	<i>O-7</i>	\$1,602
<i>E-9</i>	\$1,102 ¹	<i>O-8</i>	\$1,758
<i>W-1</i>	\$1,022	<i>O-9</i>	\$1,881
<i>W-2</i>	\$1,063	<i>O-10</i>	\$2,063 ²
<i>W-3</i>	\$1,094		

¹ If the veteran served as sergeant major of the Army, senior enlisted advisor of the Navy, chief master sergeant of the Air Force, sergeant major of the Marine Corps, or master chief petty officer of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$1,189.

“²If the veteran served as Chairman or Vice-Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, or Commandant of the Coast Guard, at the applicable time designated by section 1302 of this title, the surviving spouse’s rate shall be \$2,213.”.

1 (3) Section 1311(b) of such title is amended by striking
2 “\$237” and inserting “\$241”.

3 (4) Section 1311(c) of such title is amended by striking
4 “\$237” and inserting “\$241”.

5 (5) Section 1311(d) of such title is amended by strik-
6 ing “\$113” and inserting “\$115”.

7 (e) *DEPENDENCY AND INDEMNITY COMPENSATION FOR*
8 *CHILDREN.*—(1) Section 1313(a) of such title is amended—

9 (A) by striking “\$402” in paragraph (1) and in-
10 serting “\$410”;

11 (B) by striking “\$578” in paragraph (2) and in-
12 serting “\$590”;

13 (C) by striking “\$752” in paragraph (3) and in-
14 serting “\$767”; and

15 (D) by striking “\$752” and “\$145” in para-
16 graph (4) and inserting “\$767” and “\$148”, respec-
17 tively.

18 (2) Section 1314 of such title is amended—

19 (A) by striking “\$237” in subsection (a) and in-
20 serting “\$241”;

21 (B) by striking “\$402” in subsection (b) and in-
22 serting “\$410”; and

- 1 *(C) by striking “\$201” in subsection (c) and in-*
2 *serting “\$205”.*

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[Report No. 108-524]

A BILL

To increase, effective as of December 1, 2004, the rates of disability compensation for veterans with service-connected disabilities and the rates of dependency and indemnity compensation for survivors of certain service-connected disabled veterans, and for other purposes.

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